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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,998	07/11/2001	Ben Ming Hsia	USP1519A-MTS	2248

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EXAMINER

CAMPBELL, KELLY E

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/903,998	HSIA, BEN MING
Examiner	Art Unit	
Kelly E Campbell	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.	6) <input type="checkbox"/> Other: ____.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 3 is objected to because of the following informalities:

Line 2 recites "... supporting unit closed to said back support...";

Line 3 recites "... supporting unit closed to said construction bar...";

The phrase "closed to" is a spelling error. The correct phrase is "close to" or "adjacent to". Appropriate correction is required.

Claims 4-6 are objected to because of the following informalities:

The phrase "plurality of engaging tooth" is grammatically incorrect. The term "teeth" is the plural form of "tooth". The applicant should correct the claims by substituting the term "teeth" in place of "tooth".

### ***Claim Rejections - 35 USC § 112***

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation " a first and second locking member which are vertically and spacedly provided...";

This limitation does not clearly define the orientation of the first and second locking members with respect to each other, or with respect to the back support and construction bar. The locking members could be broadly interpreted as having a vertical orientation and being horizontally spaced apart or the locking members could have a horizontal orientation and be vertically spaced apart. The applicant should clearly define the orientation of each structure and their relationship to each element of the invention.

Claim 3 recites the limitation "elements" in line 5 and line 6; as well as the limitation "width" in line 7 and line 9. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-2 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakao et al (US 4,538,830).

Nakao et al discloses a stroller, see Figure 3;

a supporting frame (4,5);

a seat frame (2) supported by the supporting frame (4,5);

and a handle frame (1) having two construction bars upwardly extending from the supporting frame (4,5) wherein the seat frame (2) includes a seat support (C1) horizontally supported by the supporting frame (4,5) and a back support (C2) upwardly extending from the seat support (2);

an adjustable seat back arrangement including at least two inclination locking means (12,13) for selectively locking the back support (10,C2) to the construction bars (1) respectively, see Figure 8 and Column 4, lines 35-40;

the inclination locking means (12,13) includes:

a first locking member (12) and a second locking member (13) which are vertically provided and spaced apart and disposed between the back support frame (10,C2) and the construction bar (1), see Figure 8;

and a sliding locker (13,a) which is adapted to lock up the first and second locking elements (12,13) and selectively adjust an inclined angle, see Figure 3, between the back support (10,C2) and the seat support (C1);

wherein the adjustable seat back arrangement further two side supporting units (15) sidewardly extending from two vertical sides of the back support (10,C2) to the two construction bars (1), see Figures 9-10;

wherein in the upright position, the back support (10,C2) is vertically extended from the seat support (C1) , see Figure 1;

and wherein in the fully extended position, the back support (10,C2) is inclinedly extended from the seat support (C1) with a maximum inclined angle between the back support (10,C2) and the seat support (C1), see Figure 3;

and wherein each of the inclination locking means (12,13) is affixed spaced apart to two vertical halves of the side supporting units (15), see Figure 11.

***Allowable Subject Matter***

Claims 3-10 and 12-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not discloses a stroller having an inclination locking means including a first and second locking member wherein the first locking member is affixed on a respective side supporting unit adjacent to a back support pf the stroller and the second locking member is affixed on the side supporting unit adjacent to the construction bar, wherein a sliding locker is adapted to lock up the first and second locking elements and wherein the sliding locker normally locks up two bottom ends of the first and second locking members and is arranged in such a manner that when the sliding locker is slid upwardly, the first and second locking members are fittingly engaged with each other;

Wherein each of the inclination locking means is a zipper;

And wherein the adjustable seat back arrangement of the stroller includes a reinforcing strap having a predetermined width for securely affixing the inclination

locking means on the side supporting unit wherein the reinforcing strap has a vertical edge portion firmly affixed to the side supporting unit.

A combination of these and other limitations have not been reasonably found in the prior art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lincoln (US 2,483,552) discloses a seat having a seat bottom and adjustable reclining seat back. Kassai (US 4,723,815) discloses a stroller having an adjustable inclined seat back. Perego (US 4,741,551) discloses a baby carriage having an adjustable inclined seat back rest.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 3618.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*Kelly Karpel*  
KEC

August 11, 2002

*Brian L. Johnson*  
BRIAN L. JOHNSON  
SUPERVISORY PATENT EXAMINER  
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8/12/02